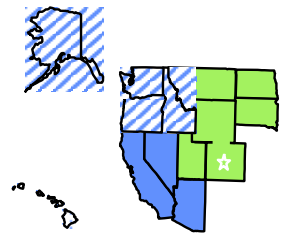




**US Army Environmental Center
Western Regional Environmental Office
REGION 8 – DECEMBER 2003
WESTERN REGION REVIEW**



The WESTERN REGION REVIEW provides current information on significant regulatory & legislative developments, as well as related information affecting DOD activities & operations in the Federal Region 8 area: Colorado, Montana, North Dakota, South Dakota, Utah, & Wyoming. We appreciate your feedback. Please WREO, U.S. Custom House, 721 19th St., Room 427, Denver, CO 80202-2500; Phone: (303) 844-0954, or fax: (303) 844-0951.

WREO STAFF

Gerald Owens
Regional Chief/DOD REC Region 8
(303) 844-0953
gowens@rma.army.mil

Regional Counsel (Acting)
(816) 983-3448

Tim Blume
Army REC Region 8
(303) 844-0958
tblume@rma.army.mil

Mark Mahoney
Army REC Region 9
(303) 844-00957
mmahoney@rma.army.mil

Mike Flannery
Army REC Region 10
(including Hawaii & Pacific)
(303) 844-0959
mflanner@rma.army.mil

Project Manager
(303) 844-0952

Environmental Specialist
(303) 844-0954

Administrative Assistant
(303) 844-0950

**Regional Environmental Coordinator (REC)
Contacts**

DOD REC Region 8
Gerald Owens
(303) 844-0953
gowens@rma.army.mil

Army REC Region 8
Tim Blume
(303) 844-0958
tblume@rma.army.mil

Navy REC Region 8
Hayden Street
(360) 396-5089
hayden.street@navy.mil

Air Force REC Region 8
Mike Garrison
(214) 767-4652
mike.garrison@brooks.af.mil

DLA REC Region 8
Frank Robinson
(801) 777-8028 (DSN 777-8028)
frank.robinson@dla.mil

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FEDERAL AGENCY NEWS & REGULATORY DEVELOPMENTS



ENVIRONMENTAL PROTECTION AGENCY (EPA) INFORMATION

AIR INFORMATION:

FINAL RULE – REVISION OF NSR RULES – On 7 November 2003 (68 FR 63021), EPA revised regulations governing the major New Source Review (NSR) programs by including a definition of "replacement unit" and clarifying that the plantwide applicability limitation baseline calculation procedures for newly constructed units do not apply to modified units. The revisions will be effective 6 January 2004. For further information, contact Lynn Hutchinson, EPA at (919) 541-5795, or e-mail: hutchinson.lynn@epa.gov.

FINAL RULE – NESHAP FOR MISCELLANEOUS ORGANIC CHEMICAL MANUFACTURING – On 10 November 2003 (68 FR 63851), EPA promulgated national emission standards for hazardous air pollutants (NESHAP) for miscellaneous organic chemical manufacturing facilities. The final rule establishes emission limits and work practice standards for new and existing miscellaneous organic chemical manufacturing process units, wastewater treatment and conveyance systems, transfer operations, and associated ancillary equipment and implements section 112(d) of the Clean Air Act by requiring all major sources to meet hazardous air pollutants (HAP) emission standards reflecting application of the maximum achievable control technology (MACT). The HAP emitted from miscellaneous organic chemical manufacturing facilities include toluene, methanol, xylene, hydrogen chloride, and methylene chloride. The will reduce HAP emissions by 16,800 tons per year from existing facilities. The NESHAP was effective 10 November 2003. For further information, contact Randy McDonald, EPA at (919) 541-5402, or e-mail: mcdonald.randy@epa.gov.

FINAL RULE – NESHAP FOR SURFACE COATING OF METAL CANS – On 13 November 2003 (68 FR 64431), EPA promulgated NESHAP for metal can surface coating operations located at major sources of HAP. The final standards require these operations to meet HAP emission standards reflecting the application of MACT. The HAP emitted by these facilities include ethylene glycol monobutyl ether and other glycol ethers, xylenes, hexane, methyl isobutyl ketone, and methyl ethyl ketone. The final standards are expected to reduce nationwide HAP emissions from major sources in this source category by approximately 6,800 tons per year. The NESHAP was effective 13 November 2003. For further information, contact Paul Almodovar, EPA at (919) 541-0283, or e-mail: almodovar.paul@epa.gov.

NOTICE OF AVAILABILITY – REGIONAL HAZE GUIDANCE DOCUMENTS – On 17 November 2003 (68 FR 64894), EPA announced the availability of guidance to assist states in implementing federal regulations governing regional haze. These documents address the establishment of natural visibility conditions and the tracking of progress under the regional haze program. For further information, contact Neil Frank, EPA at e-mail: frank.neil@epa.gov, or link: <http://www.epa.gov/ttn/amtic/visinfo.html>.

WASTE INFORMATION:

PROPOSED RULE – IDENTIFICATION AND LISTING OF HAZARDOUS WASTE – On 20 November 2003 (68 FR 65585), EPA proposed to modify its hazardous waste management regulations under the Resource Conservation and Recovery Act (RCRA) for certain solvent-contaminated materials, such as reusable shop towels, rags, disposable wipes and paper towels. This proposal affects contaminated industrial wipes being sent to both landfill and non-landfill (e.g., laundries and combustion) facilities and is applicable to: industrial wipes exhibiting a hazardous characteristic due to use with solvents; or industrial wipes contaminated with F001-F005 spent F-listed solvents or comparable P- and U-listed commercial chemical products that are spilled and cleaned up with industrial wipes. Comments are due by 18 February 2004. For further information, contact Kathy Blanton, EPA at (703) 605-0761, or e-mail: blanton.katherine@epa.gov.

WATER INFORMATION:

NOTICE OF AVAILABILITY – SMALL SYSTEM GUIDE TO SAFE DRINKING WATER REGULATIONS EPA recently published a booklet entitled "Small Systems Guide to Safe Drinking Water Regulations – The First Step to Providing Safe and Reliable Drinking Water." The Guide provides general information about the various Safe Water Drinking Act regulations, how the regulations relate to each other, and how the regulations fit into the multi-barrier approach to drinking water protection. The guidance is posted on line at <http://www.epa.gov/safewater/smallsys/ssinfo.htm>. For more information, contact Andrew Bielanski, EPA at (202) 564-3824.

NOTICE OF AVAILABILITY –OFFICE OF WATER 2004-2008 STRATEGIC PLAN – EPA recently adopted a new Strategic Plan for 2004-2008. Key elements of the National Water Program are addressed in Goal 2 (Clean and Safe Water) and Goal 4 (Healthy Communities and Ecosystems). The Plan includes clear and measurable statements of environmental and health goals that EPA expects to accomplish by 2008. The Plan has contributed to the development of EPA's FY05 budget and will continue to support future budget and resource allocation decisions. The Plan is available on line at <http://www.epa.gov/water/waterplan/>.

NOTICE OF AVAILABILITY – NEW GUIDELINES FOR NATIONAL NONPOINT SOURCE PROGRAM EPA has published new guidelines for the National Nonpoint Source (NPS) Program implemented under section 319 of the Clean Water Act. These guidelines replace all previous NPS grants guidelines beginning in fiscal year 2004. The guidelines focus approximately one-half of section 319 dollars on the remediation of impaired waters through the development of total maximum daily loads (TMDLs), and the development and implementation of watershed-based plans. These plans provide an analytical framework for assessing the sources of water pollution; estimating the amount of pollutant reduction needed to achieve water quality standards; identifying the management measures whose implementation will enable those reductions to be achieved; and identifying financial and regulatory tools that will enable the watershed plan's goals to be achieved. These guidelines are posted on line at <http://www.epa.gov/owow/nps/>.

NOTICE OF AVAILABILITY – WATER QUALITY STANDARDS DATABASE RELEASE 5.0 - EPA has recently published the Water Quality Standards Database Release 5.0 (WQSDB). The WQSDB is a single point of access to EPA and state water quality standards (WQS) information. The WQSDB provides access to several WQS reports that provide information about designated uses, water body names, state numeric water quality criteria, and EPA recommended numeric water quality criteria. It also allows users the ability to compare WQS information across the nation using standard reports. The WQSDB is available on line at <http://www.epa.gov/wqsdatabase/>.

GENERAL INFORMATION:

NOTICE OF AVAILABILITY – PERCHLORATE TOXICOLOGICAL REVIEW – EPA has released a report summarizing a peer review of EPA's "Draft Perchlorate Environmental Contamination: Toxicological Review And Risk Characterization." Generally the review panel was supportive of EPA's work, but the report concludes with a page-long list of recommendations for additional research covering a wide range of areas. Most reviewers were opposed to one of several uncertainty factors applied by EPA in calculating a proposed reference dose of 0.00003 mg/Kg/Day. Removal of this uncertainty factor for "database insufficiencies in immunotoxicity" would presumably increase the reference dose by a factor of three. The report is available at <http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=51762>. In the interest of resolving scientific questions, EPA, DoD, DOE, and NASA have referred scientific issues to the National Academy of Sciences (NAS) for review. The 19 March 2003, [transmittal letter](#) to the NAS describes the scope and focus of its review. The first meeting of the NAS perchlorate review panel was held on 27 October 2003, in Washington, D.C. For further information, contact Annie Jarabek, EPA at (919) 541-4847, or link: <http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=72117>.

REQUEST FOR COMMENTS – TOXIC CHEMICAL RELEASE REPORTING – On 5 November 2003 (68 FR 62579), EPA requested public comment on options for reducing the burden on the regulated community associated with the Toxics Release Inventory (TRI) program. EPA also solicited comments on potential enhancements to its TRI reporting software. A background paper on various burden reduction options is available at http://www.epa.gov/tri/phase2/phase_2.htm. For further information, contact Larry Reisman, EPA at (202) 566-0751, or e-mail: reisman.lary@epa.gov.

**GENERAL INFORMATION**

PROPOSED RULE – DESIGNATION OF CRITICAL HABITAT FOR MEXICAN SPOTTED OWL – On 18 November 2003 (68 FR 65020), the U. S. Fish and Wildlife Service (FWS) proposed to designate additional critical habitat for the Mexican spotted owl (*Strix occidentalis lucida*). FWS issued a final rule on 1 February 2001 (66 FR 8530) that did not include some Forest Service and tribal lands that had been proposed for designation as critical habitat. This final rule is still in effect while FWS reconsiders the issuance of a new final rule. The Mexican spotted owl inhabits canyon and forest habitats in several states, including Arizona, Colorado and Utah. Comments will be accepted until 18 December 2003. For further information, contact Joy Nicholopoulos, FWS at (505) 761-4706.

NOTICE OF AVAILABILITY – EXECUTIVE ORDER 13287: IMPLEMENTATION GUIDANCE – On 19 November 2003 (68 FR 65238), the Advisory Council on Historic Preservation (ACHP) released advisory guidelines to assist Federal agencies that manage real property in preparing the assessments and reports outlined in Executive Order 13287 (Preserve America) of 3 March 2003. The ACHP will use the agency's information to prepare its report to the President on the state of the Federal Government's historic properties and their contribution to local economic development. For further information, contact Charlene Vaughn, ACHP at (202) 606-8505, or link: <http://www.achp.gov/PA-EOguidelines.pdf>.

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UPCOMING CONFERENCES, SYMPOSIUMS AND TRAINING ANNOUNCEMENTS

“AN ORGANIZATIONAL GUIDE TO POLLUTION PREVENTION” WORKSHOP

9-11 December 2003 – Philadelphia, Pennsylvania

EPA is hosting this workshop to help organizations get P2 programs started or to reevaluate existing P2 programs. The guide presents an alternative method for working P2 projects and plans, and four approaches to implementing P2 and environmental planning within an organization. There is no registration fee for the workshop. For further information, visit the workshop website at www.epa.gov/ttnrmrl/p2workshop.htm.

APPLIED CLEAN AIR ACT

16-18 December 2003 – Orlando, Florida

RTI is offering this course for environmental professionals who are responsible for implementation and monitoring of their facilities' compliance with the requirements of the Clean Air Act (CAA). The course provides detailed information on all facets of the CAA and the 1990 Amendments. It covers the fundamentals of air pollution such as abatement equipment, monitoring, and air dispersion models. For more information or to register, call (803) 652-8830, or link <http://www.rtii.org>.

ENVIRONMENTAL LAWS AND REGULATIONS

16-18 December 2003 – Richland, Washington

RTI is offering this course for personnel new to the field of waste management environmental compliance or environmental restoration, as well as persons who need an update on recent changes in environmental laws and regulations. The course will address high level waste storage in tanks and treatment for disposal; low level waste disposal; mixed waste treatment, storage and disposal; environmental compliance associated with operational or restart issues; decommissioning activities; and materials transportation. For more information or to register, call (803) 652-8830, or link <http://www.rtii.org>.

CONFERENCE ON SUSTAINABLE RANGE MANAGEMENT

5-8 January 2004 – New Orleans, Louisiana

Battelle is organizing this conference to provide a venue for exchange of information benefiting all stakeholders involved with range management issues. The technical programs will include urban growth and encroachment issues, management of airspace, noise abatement issues, air quality management, threatened and endangered species habitat protection, military munitions response program, and cleanup of munitions and explosives of concern. For more information, link: <http://www.battelle.org/rangecon>.

WATER SOURCES CONFERENCE & EXPOSITION

11-15 January 2004 – Austin, Texas

The American Water Works Association is sponsoring this conference with separate tracks in Conservation, Resources Management, and Water Reuse. The conference will present the latest technological innovations and practical applications in these three topics. The newest products and services will be displayed at the Water Sources Exposition. For more information or to register, link: <http://www.awwa.org/conferences/sources/>.

ADVANCED RISK COMMUNICATION WORKSHOP

13-15 January 2004 – San Diego, California

2-5 August 2004 – Salt Lake City, Utah

The Army Center for Health Promotion and Preventative Medicine is presenting this workshop to instruct participants how to identify, build, maintain, and utilize strategic partnerships and plans to support an organization's mission. The workshop builds on the "Introductory Health Risk Communication Workshop"

listed below (a pre-requisite for this course) and will provide participants with hands-on experience in applying the steps of the risk communication process, on-camera media practice, and seminar-style discussions of "hot" issues impacting military health and readiness. There is no registration fee. For more information or to register, link: <http://chppm-www.apgea.army.mil/risk>.

2004 NORTH AMERICAN ENVIRONMENTAL FIELD CONFERENCE

14-16 January 2004 – Tampa, Florida

This conference will feature 40 papers discussing cutting-edge field-based technology for environmental site characterization and monitoring. An educational exposition will include state-of-the-science environmental field equipment and services. For more information or to register, link: <http://www.envirofieldconference.com>.

CERCLA ORIENTATION AND REMEDIAL INVESTIGATION/FEASIBILITY STUDY

27-27 January 2004 – Richland, Washington

The Resource Training Institute (RTI) is offering this course for personnel that have little or no experience in the basic background and implementation of CERCLA. Participants are provided with an in-depth review of the Remedial Investigation/Feasibility Study (RI/FS) process as it applies to environmental restoration programs. Following an overview of the CERCLA Process, the course focuses on the RI/FS process and addresses site characterization, risk assessment, and remedy selection issues. Attention is also given to public involvement in the cleanup process. For more information or to register, call (803) 652-8830, or link <http://www.rtii.org>.

2004 CONFERENCE ON SCIENCE, POLICY AND ENVIRONMENT

29-30 January 2004 – Washington, DC

The National Council for Science and the Environment is presenting the 4th National Conference on Science, Policy and the Environment with the theme: "Water for a Sustainable and Secure Future." The conference will explore the role of science in achieving sustainable relationships among water, people, and the environment. For more information or to register, link: <http://www.ncseonline.org/NCSEconference/2004conference/>.

ENVIRONMENTAL IMPACTS OF PRESERVATIVE TREATED WOOD

8-11 February 2004 – Orlando, Florida

The University of Florida and the National Science Foundation are sponsoring this conference to bring together experts in the field of preservative treated wood who will share research results and develop a research agenda for future studies. Conference topics include critical issues associated with preservative treated wood, and new technologies for managing discarded treated wood. For more information or to register, call (352) 392-1701, or link: <http://fices.org>.

McCOY RCRA SEMINAR

9-13 February 2004 – Phoenix, Arizona

21-25 June – Portland, Oregon

McCoy and Associates is offering this RCRA training with five sessions at each seminar: 1) RCRA Fundamentals; 2) Critical Generator Issues; 3) Advanced RCRA Topics I; 4) Advanced RCRA Topics II and Land Disposal Restrictions I; and 5) Land Disposal Restrictions II and RCRA Rules Under Development. The seminar is designed for hazardous waste generators, environmental managers, compliance specialists, environmental consultants, and environmental attorneys. For more information or to register, call (303) 526-2674, or link: <http://www.mccoyseminars.com>.

CLEANUP SITE CLOSURE: REGULATORY & ADMINISTRATIVE ACTIVITIES

17-18 February 2004 – Idaho Falls, Idaho

RTI is offering this course for personnel who are involved in the planning and implementation of closure and post-closure activities at hazardous and mixed waste management facilities or environmental restoration projects. The course will provide an overview of RCRA requirements for landfills, storage pads, and contaminated areas. It will also cover effective ways to plan for the integration of closure among units regulated under different programs. For more information or to register, call (803) 652-8830, or link <http://www.rtii.org>.

INTRODUCTORY HEALTH RISK COMMUNICATION WORKSHOPS**24-26 February 2004 – Seattle, Washington****27- 9 April 2004 – Honolulu, Hawaii**

The Army Center for Health Promotion and Preventative Medicine is presenting these workshops to instruct participants how to identify, build, maintain, and utilize strategic partnerships and plans to support an organization's mission. The workshop will provide a basic understanding of the concepts, principles, and process of effective risk communication. Topics include: History and Philosophy of Risk Communication, Steps of the Risk Communication Process, Importance of Identifying, Understanding, and Collaborating with Key Stakeholders, Pitfalls to Effective Risk Communication, and Basic Tools for Engaging the Media. For more information or to register link: <http://chppm-www.apgea.army.mil/risk>.

HISTORIC PRESERVATION LAW AND SECTION 106 COMPLIANCE**24-26 February 2004 – Jacksonville, Florida****20-22 April 2004 – San Antonio, Texas****20-22 July 2004 – Annapolis, Maryland**

This course emphasizes legal compliance with the National Historic Preservation Act Section 106 process using actual case studies. It addresses legislation and the process to meet the requirements of the law. Course content includes: the stewardship role; use of historic properties; and communications with related oversight agencies. For more information or to register, link: <https://www.cecos.navy.mil>.

NATURAL RESOURCES COMPLIANCE**24-27 February 2004 – San Antonio, Texas****22-25 June 2004 – Aberdeen, Maryland**

This course offers instruction in specific natural resources laws, regulations, policies, Executive Orders, DoD instructions, and other guidance, noting Service-specific requirements. It addresses stewardship, preservation and process; fish, game and wildlife management laws; protection of wetlands, waterways and other protected ecological areas; forest and land use management laws; and inter-service cooperation. This is an Inter-service Environmental Education Review Board (ISEERB approved) course. For more information or to register, link: <https://www.cecos.navy.mil>.

2ND ANNUAL ARMY ENVIRONMENTAL TRAINING SYMPOSIUM**1- 5 March 2004 – Kansas City, Missouri**

The Army Engineer School is hosting this symposium to provide environmental training to installation (Active Army, National Guard, and Army Reserve) environmental personnel and installation stakeholders. Training topics include 1) satellite accumulation point operator; 2) hazardous materials handler; 3) HAZWOPER 8-hour refresher; 4) pollution prevention; and 5) spill prevention and response. For more information, call (573) 563-4124.

INTRODUCTION TO CULTURAL RESOURCE MANAGEMENT LAWS AND REGULATIONS**16-18 March 2004 – New Orleans, Louisiana****17-19 August 2004 – Bangor, Maine**

This course provides an integrated overview of all pertinent laws and regulations needed to understand and fulfill cultural resource management responsibilities. The curriculum is designed around a series of inter-related case studies discussed during the course. The course is taught in conjunction with the Advisory Council on Historic Preservation and is approved by the Inter-service Environmental Education Review Board (ISEERB). For more information or to register, link: <https://www.cecos.navy.mil>.

30TH ENVIRONMENTAL AND ENERGY SYMPOSIUM**5-8 April 2004 – San Diego, California**

The National Defense Industrial Association is presenting this symposium to provide a national forum for the exchange of technical information, government policy, regulations, programs, and law; and new ideas on environmental and energy issues, performance tracking, and areas of concern. The theme of the symposium is: "DoD Transformation Leading Towards Results-Based Environmental and Energy Programs." This event is intended for industry leaders, practitioners, environmental and energy officials,

operators, and other personnel within government agencies. For more information, contact Naomi Mundy at (703) 247-9476, Or link: <http://www.ndia.org>.

NATIONAL ENVIRONMENTAL ASSISTANCE SUMMIT

19-22 April 2004 – Baltimore, Maryland

EPA has announced the merger of the National Pollution Prevention Roundtable Spring Conference and the National Compliance Assistance Providers Forum. This summit, titled "One Environment/One Conference," will cover advances and innovations in environmental issues and solutions, pollution prevention, and compliance assistance programs, methods, technologies and environmental policies. For more information, call (202) 299-9701, or link: <http://www.p2.org/summit2004/>.

ACCELERATING SITE CLOSEOUT

15-17 June 2004 – Dallas, Texas

The Federal Remediation Technologies Roundtable is sponsoring this conference with the theme: "Improving Performance and Reducing Costs Through Optimization." The goals of the conference are to: 1) outline long-term remediation liabilities and optimization needs and opportunities; 2) disseminate existing and emerging optimization strategies, technologies, tools, and science; 3) communicate lessons learned and identify technical, institutional, contractual, and other enhancements and encumbrances to achieving positive optimization results; and 4) present remedial optimization within the context of site-wide and multi-site management programs. For more information or to register, link: <http://www.clu-in.org/siteopt/siteopt.htm>.

2004 COMMUNITY INVOLVEMENT CONFERENCE

15-18 June 2004 – Denver, Colorado

EPA is sponsoring this 7th annual conference to share lessons learned and to establish and monitor its standards for community involvement. The conference will cover the entire scope of public participation, community involvement, partnership building, and outreach and education related to all aspects of environmental protection. For more information, link: <http://www.epancic.org/2004>.

9TH ANNUAL JOINT SERVICES ENVIRONMENTAL MANAGEMENT CONFERENCE

16-19 August 2004 – San Antonio, Texas

The National Defense Industrial Association is presenting this conference and exhibition ((formerly the Joint Services Pollution Prevention and Hazardous Waste Management Conference and Exhibition). The theme of the 2004 conference is "Sustaining the Force: Optimizing Readiness Through the Prevention of Pollution." For more information, contact Naomi Mundy at (703) 247-9476, Or link: <http://www.ndia.org>.

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STATE REGULATORY DEVELOPMENTS, LEGISLATION, AND NEWS



COLORADO

AIR INFORMATION:

FINAL REGULATION – REVISIONS TO INSPECTION & MAINTENANCE PROGRAM – The Colorado Department of Public Health and Environment (CDPHE) has adopted revisions to its Inspection and Maintenance (I/M) Program. The revisions incorporate provisions of the recent legislation enacted in HB 1016 regarding the authority of the Air Quality Control Commission to establish model year exemptions and the exemption of vehicles from inspection on change of vehicle ownership. In addition, the revisions incorporate provisions of HB 1053 regarding changes to definitions of heavy and light duty vehicles, model year exemptions, peak opacity standards, and the use of the SNAP test. The revisions also eliminate the basic I/M program from the Fort Collins and Greeley areas. CDPHE will submit this regulation to EPA as a revision to its SIP. The revisions were effective 30 November 2003. For more information, contact Kim Livo at (303) 692-3134.

PROPOSED REGULATION – VEHICLE EMISSIONS TESTING PROGRAM – CDPHE has proposed to revise the applicability date of scheduled changes to the vehicle emission limitations for 1996 and newer model year vehicles. CDPHE proposed waiting until an analysis is conducted under the MOBILE6 model to make further emission "cut point" modifications. CDPHE will hold a public hearing 18 December 2003. For more information, contact Kim Livo at (303) 692-3134.

PROPOSED REGULATION – REVISED MACT STANDARDS – CDPHE has proposed revisions to Regulation 8, MACT Standards, to incorporate by reference revisions to the federal program that have been adopted in the past six months. CDPHE will hold a public hearing 18 December 2003. For more information, contact Melanie Loyzim at (303) 692-3147, or link:
<http://www.cdphe.state.co.us/op/aqcc/aqccdown/reg8mactpublichearing.pdf>.

PROPOSED REGULATION – GENERIC EMISSIONS TRADING AND FEE CREDITS – CDPHE has proposed to repeal the Permit Fee Credit Program in its entirety. CDPHE will also consider the removal of Part A of the Permit Fee Credit Program in Regulation 5 from the SIP. CDPHE will hold a public hearing 18 December 2003. For more information, contact Kristen King at (303) 692-3212.

PROPOSED REGULATION – REVISIONS TO COLORADO SPRINGS AND LONGMONT CARBON MONOXIDE MAINTENANCE PLANS – CDPHE has proposed revisions to the Colorado Springs and Longmont carbon monoxide maintenance plans. The revisions include the adoption of revised carbon monoxide emission budgets developed with EPA's MOBILE6 model. These emission budgets would replace previously adopted emission budgets that were developed with the MOBILE5b model. CDPHE is also considering repealing the Colorado Springs vehicle emissions inspection program. CDPHE will hold a public hearing 18 December 2003. For more information, contact Douglas Lempke at (303) 692-3478.

PROPOSED REGULATION – REVISIONS TO ASBESTOS REGULATION – CDPHE has proposed revisions to Regulation No. 8, Part B, Asbestos. The revisions include a single-family residential dwelling opt-out notice. CDPHE will hold a public hearing 18 December 2003. For more information, contact Douglas Lempke at (303) 692-3478, or link:
<http://www.cdphe.state.co.us/op/aqcc/aqccdown/reg8revs.pdf>.

WASTE INFORMATION:**IMMEDIATE FINAL RULE – AUTHORIZATION OF STATE HAZARDOUS WASTE MANAGEMENT PROGRAM REVISION**

– On 14 November 2003 (68 FR 64550), EPA took immediate final action authorizing Colorado's changes to its hazardous waste program under the Resource Conservation and Recovery Act. EPA has determined that these changes satisfy all requirements needed to qualify for authorization. Unless EPA receives written comments opposing this authorization by 15 December 2003, the decision to authorize Colorado's changes to their hazardous waste program will take effect on 13 January 2004. If EPA receive comments that oppose this action, it will publish a notice in the Federal Register withdrawing this rule before it takes effect, and a separate document in the proposed rules section of this Federal Register will serve as a proposal to authorize the changes. For further information, contact Kris Shurr, EPA at (303) 312-6139, or e-mail: shurr.kris@epa.gov.

WATER INFORMATION:**PROPOSED REGULATION – ADOPTION OF FEDERAL DRINKING WATER STANDARDS** – CDPHE

has proposed to adopt several federal drinking water rules in a two-phase process. Phase II of this process will include adoption of the following rules: (1) Stage 2 disinfection byproducts; (2) radon; (3) groundwater disinfection; and (4) long term 1 and long term 2 enhanced surface water treatment. Comments are due by 21 January 2004. For more information, contact Shawn Leslie at (303) 692-3505.

PROPOSED REGULATION – AMENDMENT TO INSTREAM FLOW AND NATURAL LAKE PROGRAM

The Colorado Water Conservation Board has proposed an amendment to the rules concerning the State's instream flow and natural lake level program. Under the proposed amendment, current Rule 6g, will be deleted in its entirety and replaced with the following: "Temporary Acquisitions - The Board may acquire water from instream flow use for a period not to exceed 120 days in any basin or county in which the governor has declared a drought emergency or in which any other emergency is declared, in accordance with the procedures set forth in section 37-83-105, C.R.S. (2003)." Comments are due by 6 February 2004. For more information, contact Rod Kuharich at (303) 866-3534, or link: http://www.cwcb.state.co.us/isf/Rules/Redlined_Rule_6g.pdf.

PROPOSED REGULATION – FILTER BACKWASH RECYCLING RULE – CDPHE has proposing regulations similar to EPA's Filter Backwash Recycling Rule (FBRR). The FBRR addresses a statutory requirement of the 1996 Safe Drinking Water Act Amendments to promulgate a regulation which governs the recycling of filter backwash water within the treatment process of public water systems. The purpose is to require public water systems to review their recycle practices and, where appropriate, make any necessary changes to recycle practices that may compromise microbial control. Comments are due by 24 January 2004. For more information, contact Chet Pauls at (303) 692-3610.

DEPARTMENTAL DISCUSSION – 2004 303 (d) LIST OF IMPAIRED WATERS AND LISTING

CRITERIA – CDPHE has approved listing methodology for the 2004 303(d) list of impaired waters. CDPHE plans to propose the list for public comment on 8 December 2003 and hopes to approve the list on 9 March 2004, since it must be submitted to EPA by 1 April 2004. Tim Blume, Army REC Region 8, is participating on the stakeholder workgroup to develop the proposed list. For more information, contact Tim at (303) 844-0958, or Phil Hegeman, CDPHE at (303) 692-3518.

Legislative Developments

The 2003 legislative session began 8 January and ended 7 May. A summary of the significant environmental legislation that was enacted and signed was included in the July Review. For more information on the legislative session, link http://www.state.co.us/gov_dir/stateleg.htm. The 2004 legislative session will convene 7 January.

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MONTANA

WATER INFORMATION:

FINAL REGULATION – ONSITE WASTEWATER TREATMENT SYSTEMS – The Montana Department of Environmental Quality (DEQ) has adopted regulations regarding onsite wastewater treatment systems. The amendments: (1) allow DEQ to waive the minimum lot size of one acre for certain existing lot; (2) clarify the circumstances under which DEQ may require a minimum lot size larger than one acre; and (3) make minor changes to formatting. The regulations were effective 15 August 2003. For more information, contact Janet Scaarland at (406) 444-1801, or link: <http://www.deq.state.mt.us/dir/legal/Notices/17-195.pro.pdf>.

FINAL TMDL – SEDIMENT FOR BIG CREEK – The Montana DEQ has adopted a TMDL for Big Creek to control sediment. Big Creek is in Northwest Montana and is a tributary of the North Fork of the Flathead River. Sediment sources include: (1) silviculture activities; (2) roads; and (3) ski trails. The TMDL was approved by EPA on 9 May 2003. For more information, contact Carol Mackin at (406) 444-7425.

Legislative Developments

The 2003 legislative session began 6 January and ended 26 April. A summary of significant environmental bills that were enacted and signed was included in the June Review. For more information on the legislative session, link <http://www.leg.state.mt.us>. There will not be a regular legislative session in 2004.



NORTH DAKOTA

Regulatory Developments & Other State Information

No significant regulatory activities to report.

Legislative Developments

The 2003 legislative session began 7 January and ended 25 April. A summary of significant environmental bills that were enacted and signed was included in the June Review. For more information on the legislative session, link <http://www.state.nd.us/lr/>. There will not be a regular legislative session in 2004.



SOUTH DAKOTA

Regulatory Developments & Other State Information

FINAL REGULATION – STATUS OF BALD EAGLE AND MOUNTAIN LION – The South Dakota Department of Game, Fish, and Parks has adopted regulations to: (1) reclassify the bald eagle (*Haliaeetus leucocephalus*) from endangered to threatened; and (2) remove the mountain lion (*Felis concolor*) from the threatened list. The regulations were effective 25 August 2003. For more information, contact Chuck Schlueter at (605) 773-3718.

AIR INFORMATION:

FINAL REGULATION – ADOPTION OF FEDERAL AIR REGULATIONS – The South Dakota Department of Environment and Natural Resources (DENR) has adopted federal amendments to its air quality rules. The amendments include: (1) performance standards for oil and gas production facilities; (2) performance standards for oil and gas transmission and storage facilities; (3) performance standards for secondary aluminum production; (4) performance standards for publicly owned treatment works; (5) performance standards for solvent extraction of vegetable oil; (6) performance standards for paper and other web coating facilities; (7) performance standards for municipal solid waste landfills; (7) categories of sources for which DENR can issue a general permit; and (8) circumstances in which DENR may require a source applying for a general permit to get an individual permit. The amendments were effective 1 September 2003. For more information, contact Brian Gustafson at (605) 773-3151, or link: <http://www.state.sd.us/denr/DES/AirQuality/Regulations/proposedamend.htm>.

WASTE INFORMATION:

FINAL REGULATION – ADOPTION OF FEDERAL HAZARDOUS WASTE RULES – The South Dakota DENR has adopted federal hazardous waste rules. The amendments include: (1) revisions to the Mixture and Derived-From Rule; (2) identification and listing of inorganic chemical manufacturing wastes; and (3) NESHAP for hazardous waste combustors. The rules were effective 1 September 2003. For more information, contact Carrie Jacobson at (605) 773-3186, or link: <http://legis.state.sd.us/rules/register/05272003.pdf>.

Legislative Developments

The 2003 legislative session began 14 January and ended 24 March. A summary of significant environmental bills that were enacted and signed was included in the May Review. For more information on the legislative session, link <http://legis.state.sd.us/index.cfm>. The 2004 legislative session will convene 13 January.



UTAH

Regulatory Developments & Other State Information

FINAL REGULATION – LEAD-BASED PAINT REMEDIATION - The Utah Department of Environmental Quality (DEQ) has adopted federal standards for lead-based paint remediation. The amendments: (1) add new federal provisions identifying dangerous levels of lead; (2) adopt federal provisions for certification and work practice standards; and (3) delete Section R307-840-4 which specifies fees that are now set by the Legislature in the annual DEQ fee schedule. The standards were effective 6 August 2003. For more information, contact Jan Miller at (801) 536-4042.

AIR INFORMATION:

FINAL REGULATION – ADOPTION OF FEDERAL NESHAP – The Utah DEQ has adopted sixteen new federal standards for hazardous air pollutants (HAP) for incorporation by reference into Section R307-214-2. There are sources of these pollutants in Utah that will be regulated under five of these new standards. The Clean Air Act required EPA to issue standards for HAP; these standards are commonly called Maximum Achievable Control Technologies (MACT). In 1994 when DEQ sought federal approval to implement the Operating Permits Program under 40 CFR Part 70, one component was a commitment to adopt, implement, and enforce the MACTs standards. The standards were effective 2 October 2003. For more information, contact Jan Miller at (801) 536-4042, or link:

<http://rules.utah.gov/publicat/bulletin/2003/20030801/26468.htm>.

FINAL REGULATION – INVENTORY RULE AMENDMENTS – The Utah DEQ has adopted amendments to its Inventory Rules for air pollution. These amendments adopt new federal reporting requirements and make changes to its Title V program. DEQ also adopted amendments to recodify its emission inventory rules. The amendments will be effective 32 December 2003. For more information, contact Jan Miller at (801) 536-4042, or link: <http://www.rules.utah.gov/publicat/bulletin/2003/20031001/26648.htm>.

FINAL REGULATION – SULFUR DIOXIDE MARKET TRADING PROGRAM – The Utah DEQ has adopted the Western Regional Air Partnership (WRAP) market trading program for sulfur dioxide (SO_x) to be incorporated into Utah's visibility SIP. This program only applies to large sources that emit 100 tons per year of SO_x. The program sets a regional cap that will decline over an 18-year period. If the cap is exceeded, then the trading program is triggered. If the cap is not exceeded, then sources can develop their own plans to avoid the cap. The program will be effective 31 December 2003. For more information, contact Jan Miller at (801) 536-4042.

FINAL REGULATION – REGIONAL HAZE PLAN – The Utah DEQ has adopted several new regional haze rules based on WRAP recommended strategies. These new rules are required under 40 CFR Part 51, Subpart P, Visibility Protection. The amendments include: (1) a sulfur dioxide regional cap; (2) a sulfur dioxide trading program (in case it is ever needed); (3) new smoke management rules; (4) the continuation of dust studies; and (5) the tracking of visibility emissions. The rules will be effective 31 December 2003. For more information, contact Jan Miller at (801) 536-4042.

“NO BURN” SEASON IN EFFECT – The wood burning season runs from 1 November to 1 March each winter. During that time, the Utah Division of Air Quality may call “no burn” days based on pollution levels and weather conditions. Owners of wood stoves or fireplaces that emit visible smoke (particulate matter) on these days may be fined. The restrictions apply to Davis, Salt Lake, Utah and Weber Counties. For more information, link: <http://www.airquality.utah.gov>.

WASTE INFORMATION:

FINAL REGULATION –PERMIT BY RULE – The Utah DEQ has adopted amendments to remove all references to dates from the definitions of the terms "existing facility" and "new facility." Also, since EPA and Utah rules allow certain underground storage tanks to be closed in place, the amendments allow these tanks, if closed according to the requirements, to be permitted by rule. The amendments were effective 1 November 2003. For more information, contact Carl Wadsworth at (801) 538-6769.

FINAL REGULATION – SOLID WASTE AUTHORITY, DEFINITIONS, AND GENERAL

REQUIREMENTS – The Utah DEQ has adopted amendments that (1) state which classes of landfills may receive for disposal waste from a conditionally exempt small quantity generator of hazardous waste; (2) allow dead animals to be disposed at a commercial construction/demolition landfill (Class VI Landfill) under certain specified conditions; (3) clarify what constitutes treated wood and state that treated wood may not be accepted for disposal at construction/demolition landfills (Class IV and VI Landfills); (4) include the thermal destruction of solid waste for energy recovery as part of the definition of the term "incineration"; (5) remove the dates from the definitions of the terms "existing facility" and "new facility"; and (6) add language to the definitions of the terms "expansion of a solid waste disposal facility" and "lateral expansion of a solid waste disposal facility." In addition, DEQ adopted amendments regarding: (1) General Facility Requirements; (2) Landfilling Standards; (3) Class IV and VI Landfill Requirements; (4) Energy Recovery and Incinerator Standards; (5) Permit Requirements; (6) Special Waste Requirements; and (7) Waste Tire Transporter and Recycler Requirements. The amendments were effective 15 October 2003. For more information, contact Carl Wadsworth at (801) 538-6769, or link: <http://www.rules.utah.gov/publicat/bulletin/2003/20030901/26563.htm>.

WATER INFORMATION:

FINAL REGULATION – WASTEWATER REUSE – The Utah DEQ has adopted amendments regarding the reuse of domestic wastewater. The amendments reflect that the evidence required for a proponent to implement a water reuse project is changed from having to show an actual right for the specific proposed application, to an indication, from the State Engineer, that he agrees the underlying rights for the original use of the water are consistent with the new proposed rights. The amendments were effective 14 November 2003. For more information, contact David Wham at (801) 538-6052, or link: <http://rules.utah.gov/publicat/bulletin/2003/20030415/26140.htm>.

FINAL REGULATION – DRINKING WATER SOURCE PROTECTION FOR GROUNDWATER – The Utah DEQ has adopted amendments to require that geology work submitted to DEQ be stamped and signed by a licensed geologist or engineer. DEQ also adopted amendments to decrease the requirements public water systems must meet to notify the public regarding certain aspects of their Drinking Water Source Protection Plans. The amendments were effective 29 October 2003. For more information, contact Bob Lowe at (801) 536-4211, or link: <http://rules.utah.gov/publicat/bulletin/2003/20030915/26585.htm>.

Legislative Developments

The 2003 legislative session began 20 January and ended 5 March. A summary of significant environmental bills that were enacted and signed was included in the May Review. For more information on the legislative session, link <http://www.le.state.ut.us/>. The 2004 legislative session will convene 29 January.



WYOMING

Regulatory Developments & Other State Information

PROPOSED REGULATION – MILITARY MUNITIONS RULE – On 8 September 2003, the Wyoming Water/Waste Advisory Board recommended adoption of the Military Munitions Rule. There are still several additional steps required before the State will adopt the rule. For more information, contact Tim Blume, Army Regional Coordinator for Region 8, at (303) 844-0958.

Legislative Developments

The 2003 legislative session began 14 January and ended 6 March. A summary of significant environmental bills that were enacted and signed was included in the May Review. For more information on the legislative session, link <http://legisweb.state.wy.us>. The 2004 legislative session will convene 9 February.

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